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EXAMINER

ABRISHAMKAR, KAVEH

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LAWRENCE KOVED, ANTHONY JOSEPH NADALIN,
NATARAJ NAGARATNAM, MARCO PISTOIA,
and BRUCE ARLAND RICH

Appeal 2009-013663
Application 10/002,439
Technology Center 2400

Before ALLEN R. MacDONALD, MICHAEL R. ZECHER, and
BRUCE R. WINSOR, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-30. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claims

Exemplary claims 1 and 6 under appeal read as follows:

1. A method of controlling access to computer system resources based on permissions, comprising:

receiving a request for access to a computer system resource;

determining if a superclass permission of a required permission is present in each protection domain of an access control context, wherein the superclass permission is a super class of the required permission;

adding the required permission to a permission collection if the superclass permission of the required permission is present in each protection domain of the access control context; and

granting access to the resource if the superclass permission of the required permission is present in each protection domain of the access control context.

6. The method of claim 5, wherein adding the required permission to a permission collection further includes adding any subclass permissions of the required permission to the new permission collection.

Rejection on Appeal

The Examiner rejected claims 1-30 under 35 U.S.C. § 102(b) as being anticipated by Gong (US 6,047,377).

*Appellants' Contentions*¹

1. Appellants contend that the Examiner erred in rejecting claim 1 because Gong:

[D]oes not teach the step of “determining if a *superclass permission* of a required permission is present in each protected domain of an access control context, wherein the superclass permission is a *super class* of the required permission”, as recited in claim 1.

(App. Br. 14). Appellants go on to contend that the Examiner also erred because:

A permission encompassing the required permission simply means a larger permission that “encompasses” or inherently includes a smaller permission, but not a “superclass” permission in the hierarchy of permissions classes.

(App. Br. 15). Further, Appellants contend:

Gong's “permission encompassing the required permission” does not mean “permission superclass” as claimed by Appellants.

(App. Br. 18).

2. Appellants also contend that the Examiner erred in rejecting claim 1 because:

In addition, the Examiner incorrectly asserts that *Gong* teaches another feature of claim 1, “adding the required permission to a permission collection if the superclass permission of the required permission is present in each protection domain of the access control context.”

(App. Br. 18).

¹ Contentions (not reproduced herein) directed to claims 3, 5, and 8 may be found in Appellants' Appeal Brief.

3. Appellants also contend that the Examiner also erred in rejecting claim 1 because:

In addition, the Examiner incorrectly asserts that *Gong* teaches “granting access to the resource if the superclass permission of the required permission is present in each protection domain of the access control context” in claim 1. (App. Br. 19).

4. Appellants contend that the Examiner erred in rejecting claims 6, 16, and 26 because Gong “does not teach or suggest adding permission subclasses to the permission domain object.” (App. Br. 26).

Issue on Appeal

Did the Examiner err in rejecting claims 1-30 as being anticipated because Gong fails to teach the argued limitations?

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner has erred.

We agree with Appellants’ above contention 4. That is, while Gong discloses adding a new class to a permission domain object (*see* col. 16, l. 56-col. 17, l. 13), Gong does not disclose that the addition of the new class also includes adding any subclasses associated therewith.

However, we disagree with Appellants’ above contentions 1-3 and any contentions not reproduced herein. With regard to claims 1-5, 7-15, 17-25, and 27-30, we adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to

Appellants' Appeal Brief with the exception noted below. We concur with the conclusion reached by the Examiner.

Particularly as to Appellants' above contention 1, we disagree with Appellants' arguments. First, Appellants' Specification at page 18, lines 14-21, describes that a subclass of a superclass may itself be a superclass of a lower level subclass. Second, contrary to Appellants' arguments, the term "encompasses" which is used by Gong is recognized as designating a superclass-subclass relationship. *See* Vining (US 7,152,075 B2)(assigned to Appellants' assignee) at column 2, lines 13-17. Third, as the Examiner points out (Ans. 3), Gong teaches the claimed determining step at col. 6, ll. 36-46 and col. 18, ll. 29-45. (*See also* Gong at col. 3, ll. 3-18).

Particularly as to Appellants' above contention 2, we disagree with Appellants' arguments. As the Examiner points out (Ans. 3), Gong teaches the claimed adding step. (*See also* Gong at col. 12, ll. 19-24).

Particularly as to Appellants' above contention 3, we disagree with Appellants' arguments. As the Examiner points out (Ans. 3), Gong teaches the claimed granting step. (*See* Gong at col. 19, ll. 26-36).

CONCLUSIONS

(1) Appellants have established that the Examiner erred in rejecting claims 6, 16, and 26 as being anticipated under 35 U.S.C. § 102(b).

(2) The Examiner did not err in rejecting claims 1-5, 7-15, 17-25, and 27-30 as being anticipated under 35 U.S.C. § 102(b).

(3) On this record, claims 6, 16, and 26 have not been shown to be unpatentable.

(4) Claims 1-5, 7-15, 17-25, and 27-30 are not patentable.

DECISION

The Examiner's rejection of claims 6, 16, and 26 is reversed.

The Examiner's rejection of claims 1-5, 7-15, 17-25, and 27-30 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

msc